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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/387,555	09/01/1999	TOSHIYA TAKAHASHI	01489/P-2118	2734

7590

01/04/2005

WENDEROTH LIND & PONACK LLP  
2033 K STREET N W  
SUITE 800  
WASHINGTON, DC 20006

EXAMINER
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KLIMACH, PAULA W

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/387,555

Applicant(s)

TAKAHASHI, TOSHIYA.O

Examiner

Paula W Klimach

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 12, 13, 16-19 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 12, 16-19 and 25-33 is/are allowed.
- 6) ☒ Claim(s) 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/29/04 are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: <u>12/21/04</u>                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to amendment filed on 07/29/2004. Original application contained Claims 1-9, 12-13, 16-19, and 25-33. Applicant amended Claims 1-9, 12-13, and 16-19, 25-33. The amendment filed on 07/29/04 have been entered and made of record. Therefore, presently pending claims are.

### ***Response to Arguments***

Applicant's arguments filed 07/29/2004 have been fully considered but they are not persuasive because of the reasons set forth in this office action.

### ***Allowable Subject Matter***

Claims 1-9, 12, 16-19, and 25-33 are allowed.

### ***Claim Rejections - 35 USC § 101***

**Claim 13** is rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. Claim 13 discloses a data storage medium for storing digital data used for reproducing a scene. The claim discloses the information stored in the data storage medium. The claim does not disclose any function part of the data storage medium. The data is in the form of non-tangible elements.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Slade (6,269,275 B1) in view of the article by Bober et al.

*In reference to claim 13,* Slade discloses a system for data processing and distributing, and therefore transmission of data objects (abstract and column 4 lines 28-57). The data objects can be stored in object memory (column 4 lines 23-27); thus the system outputs the data to a storage medium or a transmission medium (Fig. 1). The object data includes video and audio (column 5 lines 50-61). In addition the system disclosed by Slade encrypts at least object data corresponding to specified objects, which are predetermined among the plurality of objects. Slade discloses encrypting any of the objects; therefore the objects to be encrypted must be selected from the objects that are in the system (column 7 lines 65-67). The system of Slade discloses storing the media object (column 4 lines 60-65), resulting in stored predetermined objects on the data storage medium.

Although Slade discloses the use of MPEG4 standard (column 8 lines 43-49), Slade does not expressly disclose the plurality of object data composing a scene.

Bober discloses the details of the MPEG4 standard. Section 2.1 discloses that visual objects of MPEG4 and section 2.2 discloses the plurality of objects used to compose a scene.

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At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the MPEG4 format as disclosed by Bober. One of ordinary skill in the art would have been motivated to do this because MPEG4 establishes universal, efficient coding of different forms of audio-visual multimedia data.

### *Conclusion*

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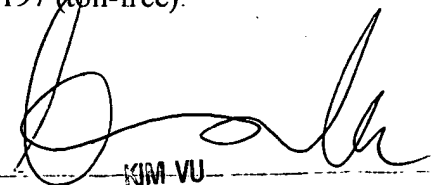
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Colton et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KIM VU

PATENT EXAMINER

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PWK

Tuesday, December 21, 2004